



**DRAFT**

# **MINIMUM STANDARD REQUIREMENTS**

**FOR AIRPORT AERONAUTICAL ACTIVITIES**

**AT THE**

**SANTA BARBARA MUNICIPAL AIRPORT**

*(Revised 10/27/2021)*

*(Approved XXXXXX)*

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# **SANTA BARBARA MUNICIPAL AIRPORT MINIMUM STANDARD REQUIREMENTS**

## **Article 1. Introduction**

The City of Santa Barbara ("City") is the owner and operator of the Santa Barbara Municipal Airport ("Airport"). The City's Airport Department is responsible for the Airport's management and administration, which includes operation, maintenance, and capital improvement of aviation buildings and facilities on the Airport property.

The Federal Aviation Administration ("FAA") places the responsibility with the Airport operator to ensure that adequate aeronautical services and facilities are available on a fair and reasonable basis to all aviation users.

To encourage the safe and orderly development of the Airport and its operation, the FAA recommends that minimum standards for commercial aeronautical activities be developed. Airport minimum standards establish the minimum requirements to be met by an Entity as a condition for the privilege to conduct an Aeronautical Activity or provide a Commercial Aeronautical Service at the Airport.

The benefits of establishing minimum standards include:

- Promoting safety in all Airport activities;
- Maintaining and enhancing the availability of adequate services for all Airport users;
- Protecting Airport users from unlicensed and unauthorized products and services; and
- Promoting the orderly development of Airport property.

The requirements in this policy are minimums. All Entities are encouraged to exceed such minimums.

### Section 1-1. Applicability

Pursuant to the City of Santa Barbara Municipal Code ("Municipal Code"), no person shall conduct any commercial activity or otherwise transact business on the Airport without first obtaining the authorization required under Title 18 of the Municipal Code.

These Minimum Standards shall apply to all Aeronautical Activity providers, with the exceptions noted below. These Minimum Standards do not apply to:

- The conduct of a Proprietary Aeronautical Activity by the City;
- Certificated Air Carriers providing scheduled passenger service and/or cargo service operating under a separate lease and/or agreement with the Airport;

- Non-aeronautical commercial service providers such as restaurants, rental cars, concessions, taxis, airport shuttles, etc., located on or otherwise serving the Airport;
- Non-commercial Airport tenants, including private aircraft owners and operators operating under 14 CFR Part 91, except as noted below;
- Aircraft operators that are not based at the Airport but that use the Airport on a transient or itinerant basis and comply with all applicable rules, regulations, and procedures.

These Minimum Standards are not intended to be all-inclusive; aeronautical service providers are also subject to all applicable federal, state, county, and City laws, codes, ordinances, rules, and regulations, including the rules and regulations promulgated by the City, as may be amended from time to time.

The provisions of the Minimum Standards herein contained do not supersede any federal, state, or local law, code, ordinance, or regulation; Airport operating rules and regulations; or lease, permit, or agreement entered into with the Airport or the City. It is intended that the Minimum Standards be consistent with all applicable laws, ordinances, codes, rules, and regulations. In the event of any difference between the Minimum Standards and other applicable laws, ordinances, rules, regulations, agreements, etc., the Airport reserves the right to amend the Minimum Standards as necessary to ensure consistency.

These Minimum Standards and all agreements authorizing the use of the Airport for an Aeronautical Activity are subordinate and subject to the provisions of any agreement between the City and the United States Government relative to the operation and maintenance of the Airport, the execution of which has been, or may in the future be, required as a condition precedent to the transfer of federal funds or property to the City for Airport purposes, or the expenditure of federal funds for the development of the Airport.

The invalidity or unenforceability of any provision of these Minimum Standards shall not affect the validity or enforceability of any other provision of these Minimum Standards, and the remainder shall be construed and enforced as if the invalid or unenforceable provision were not included in the Minimum Standards.

These Minimum Standards have been developed in accordance with the current versions of FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities* and FAA Advisory Circular 150/5190-6, *Exclusive Rights at Federally-Obligated Airports*.

## **Article 2. Definitions**

Aeronautical Activity – Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. Activities within this definition, commonly conducted on airports, include, but are not limited to, the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities.

Air Carrier – Any air transportation company performing scheduled commercial air transportation services over specified routes to and from the Airport (including diversions), pursuant to published schedules. Such Air Carriers may provide passenger and/or all-cargo services to the Airport.

Airport – the Santa Barbara Municipal Airport, including all of the property, buildings, facilities and improvements within the exterior boundaries of such Airport as it now exists, is depicted on the Airport Layout Plan, and as it may hereinafter be extended, enlarged or modified.

Airport Director – the Director of the Airport or the Director's authorized designee.

Airport Operations Area (AOA) – the area of the Airport used or intended to be used for landing, take off, or surface maneuvering of aircraft, including the associated hangars and navigational and communications facilities.

CFC – California Fire Code.

CFR – Code of Federal Regulations.

City – City of Santa Barbara.

Commercial Aeronautical Service/Activity – an Aeronautical Activity conducted by an Entity for the purpose of securing earnings, income, compensation, or profit, whether or not such objective(s) is accomplished.

Commercial Operator an Entity duly authorized by written agreement with the City to provide one or more Commercial Aeronautical Activities at the Airport.

Entity – an individual, corporation, government or governmental subdivision, partnership, association, or any other legal entity.

FAA – Federal Aviation Administration.

FAR – Federal Aviation Regulations codified at Title 14, CFR.

Fixed Base Operator (or “FBO”) – a Commercial Operator duly authorized by written agreement with the City to conduct the Commercial Aeronautical Activities described in Article 5 at the Airport, under strict compliance with such agreement and pursuant to the Airport’s regulations and these Minimum Standards.

Fixed Place of Business – a designated business facility located on the Airport and occupied by virtue of a Lease Agreement.

Flight Training – instruction of certificated and/or student pilots in dual and solo flight instruction in aircraft, and such related Ground School instruction as is necessary to take a knowledge examination and flight check ride for the category(ies) of pilots’ certificates and ratings involved.

Flying Club – a non-profit or not-for-profit Entity (e.g., corporation, association, or partnership) organized for the express purpose of providing its members with aircraft for their personal use and enjoyment only.

Fuel – FAA-authorized aviation fuel.

Fueling Operations – the dispensing of Fuel.

Fueling Operator – an Entity which dispenses Fuel at the Airport. A Fueling Operator shall be of three types:

(1) FBO Fueling Operator – an FBO authorized to engage in the retail sale and dispensing of Fuel, and other line services to aircraft other than those aircraft owned or leased by such Entity.

(2) Self-Service Fueling Operator – an FBO or other Commercial Operator authorized to engage in the self-service retail sale of Fuel to aircraft other than those aircraft owned or leased by such Entity.

(3) Self-Fueling Operator – an Entity authorized to dispenses Fuel solely for its own use, to aircraft owned or leased for its exclusive use, by the Entity or employees thereof.

Ground School – includes in-person or online education of general aeronautical knowledge described in FAR Sections 61.97, 61.105, 61.125, 61.155, 61.156, 61.185, 61.309, and 61.407.

Ground Support Equipment (or “GSE”) – the equipment for the servicing or movement of Air Carrier aircraft between flights.

Independent Operator – a Commercial Operator duly authorized to conduct one or more Commercial Aeronautical Activities at the Airport but which does not have a Fixed Place of Business on the Airport.

Interchange Agreement – an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane, and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating and maintaining the two airplanes.

Joint Ownership Agreement – an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flight crew for that airplane and each of the registered joint owners pays a share of the charge specified in the agreement.

Lease-Back – a written agreement with a term of not less than six (6) months wherein the lessee shall have full control over the scheduling and use of aircraft and the aircraft is insured as required by these Minimum Standards for the use of the aircraft by the lessee.

Lease Agreement – a written document executed by the City and a Commercial Operator which sets forth the premises, use, fees, standards of operation, and other contractual terms for conducting business on the Airport. A Lease Agreement reflects a grant of three basic rights or privileges:

- (1) The right to use the airfield and public Airport facilities in common with others so authorized.
- (2) The right to occupy as a tenant and to use certain designated premises exclusively.
- (3) The privilege to conduct one or more Commercial Aeronautical Activities at the Airport.

Lessee – an Entity who receives the use and possession of leased property from the City via a Lease Agreement in exchange for a payment of funds or other consideration.

License Agreement – a written document executed by the City and an Entity to store aircraft at a City-managed T-hangar or tie-down.

Licensee – an Entity which stores aircraft at a City-managed T-hangar or tie-down via a License Agreement.

Minimum Standards – these standards which are established by the City as the minimum requirements to be met as a condition for the right to conduct an Aeronautical Activity on the Airport.



Municipal Code – the Municipal Code adopted by the City of Santa Barbara, as it may be amended from time to time.

NFPA – the National Fire Protection Association.

Proprietary Aeronautical Activity – A Commercial Aeronautical Activity performed at the Airport exclusively by the City, to the exclusion of all other Entities, pursuant to the Sponsor's proprietary exclusive right, as such term is defined by FAA Advisory Circular 150/5190-6, *Exclusive Rights at Federally-Obligated Airports*, as it may from time to time be amended..

Security Identification Display Area (or "SIDA") – that portion of the Airport, specified in the Airport Security Program, in which security measures in 49 CFR Part 1540 are carried out. This area includes the secured area and may include other areas of the Airport.

Specialized Aviation Service Operator (or "SASO") – an Entity, other than an FBO, conducting one or more Commercial Aeronautical Activities with authorization from the City.

Time Sharing Agreement – an arrangement whereby a person leases their airplane with flight crew to another person, and no charge is made for the flights conducted under that arrangement other than those specified under FAR Part 91.501(d).

### **Article 3. General Requirements for Commercial Aeronautical Services**

The following standards apply to all Commercial Operators at the Airport. In addition to the standards prescribed by this Article, Commercial Operators may also be required to comply with additional standards specific to particular Aeronautical Activities, as prescribed by Articles 4 through 10.

#### **Section 3-1. Prior Agreement/Approval**

An Commercial Operator must conduct all Commercial Aeronautical Activities at the Airport in accordance with a written agreement with the City, regardless of whether such Commercial Operator has a Fixed Place of Business at the Airport.

The Commercial Operator must meet the regulatory qualifications, standards and requirements of these Minimum Standards, pay any required fees or charges, and receive approval from the City prior to commencing operations. The Commercial Operator must obtain and hold a City of Santa Barbara Business License.

These Minimum Standards shall not be deemed to modify any existing agreement under which a Commercial Operator is required to exceed these Minimum Standards, nor shall they prohibit the City from entering into or enforcing an agreement that requires an entity to exceed the Minimum Standards. The City shall require compliance with the Minimum Standards in any lease, license, permit, or other agreement executed after the adoption of the Minimum Standards. The City will also require compliance with the Minimum Standards in any material amendment or extension to an existing agreement authorizing one or more Commercial Aeronautical Activities at the Airport to the maximum extent permissible under such existing agreement.

#### **Section 3-2. Non-Discrimination**

Commercial Operators shall conduct all Commercial Aeronautical Activities on a fair, reasonable, and not unjustly discriminatory basis, at fees that are competitive with similar providers at the Airport.

#### **Section 3-3. Application**

Any Entity that desires to conduct a Commercial Aeronautical Service on the Airport shall submit a written application to the Airport Director. Applications shall be made on forms provided by the Airport Director. Prior to submitting a written application, applicants are encouraged to discuss all aspects of the application and proposed operation with the Airport Director. In the event that a certain Commercial Aeronautical Service is not contemplated by these Minimum Standards, the City reserves the right to develop reasonable standards for such service including, in its discretion, through amendment of these Minimum Standards.

The applicant shall submit the following required information or documentation:

- a. An operations plan which addresses the primary operation(s), including the U.S. Department of Transportation, FAA, and/or state authority under which the applicant will operate, as well as support operations such as ground handling, maintenance, fueling, safety and staffing. The plan should include a detailed description of the scope of the intended operations, including all services to be offered.
- b. The amount of land, office space, and/or aircraft storage areas required for the operation, and the number and type of aircraft to be parked, serviced, or provided (as applicable). The size of an applicant's requested leasehold and/or facilities will be dictated by its needs and ability to provide products and services to the public and available space at the Airport. If applicant proposes to enter a sublease agreement for land, office space, and or/aircraft storage areas from another Operator, applicant shall provide a letter of endorsement from the sublessor.
- c. A list of material assets, goods, and equipment necessary to perform the proposed services that are owned, leased, or under purchase contract by applicant.
- d. A detailed description of any improvements or modifications to be constructed or made to Airport property, including cost estimates and a construction timetable.
- e. A detailed management plan, marketing plan, and the proposed hours of operation.

***Financial Responsibility/References.***

Applicant must provide documentation of the applicant's financial capabilities to construct any improvements and to conduct any proposed activities. The applicant shall submit all of the following; however, depending on the organization's corporate structure, some items listed below may not be required. The submitted business plan and proposed lease will be evaluated in terms of its reasonableness, economic viability, and overall ability to support the proposed activity.

- a. A pro forma of projected income and expenses for the proposed operation during the lease term and verifiable sources of capital, cash, and credit for the proposed operation and facility construction at the Airport.

- b. Financial statements for the most recent twelve month period and preceding two (2) calendar years which include balance sheets, and related statements of income and cash flow in accordance with generally accepted accounting principles. Subject documentation shall be, preferably audited, or compiled by a Certified Public Accountant.
- c. Other financial and legal information including, but not limited to, copies of the three most recent federal and state income tax returns, and a statement of credit, payment and legal history.
- d. A list of landlords, creditors, vendors, suppliers and other trade references including current contact information.
- e. Current banking references and a letter setting forth the applicant's financial integrity and its account status from a bank or equivalent financial institution.
- f. The applicant shall give its advance permission to the City to verify the applicant's financial and legal responsibilities, and for the use of a qualified credit rating firm.
- g. Pay all associated fees related to the application, permit, license, etc.

***Technical Qualifications/Certification.***

A detailed description and/or evidence of the applicant's technical abilities and experience in conducting the proposed activities, including references and FAA certificates, if applicable. Applicant shall have "demonstrated experience" in the aeronautical service to be provided. It will be satisfactory if the applicant has in its employ, in a reasonable supervisory position, a person with such minimum experience requirements. A statement of qualification shall accompany the applicant's application to the City.

***Term.***

The commencement date for the applicant's activities and the term of the lease, license, permit or agreement sought, including all option periods, shall be for a term to be mutually agreed upon between the City and the applicant, commensurate with the applicant's proposed financial investment in the Airport.

***Identification/Ownership.***

The identity and ownership of the applicant and its principals, to include the following information, as applicable:

- a. Name, address and telephone number.
- b. Type of organization and the State under the laws of which it is organized.
- c. The designated agent for service process in the State of California.
- d. The names and addresses of all officers, directors and key management personnel of the applicant, briefly describing the certifications, expertise and responsibilities of each.
- e. The name, address, citizenship and principal business of each person holding 5 percent or more of applicant's total voting stock, together with the amount and percentages held, and the name, address, citizenship and principal business of any person whose account, if other than the holder, such interest is held; if any of these people are related by blood or marriage, include the relationship.
- f. All subsidiaries of the applicant, briefly describing the relationship to the applicant and principal business.
  - 1. If the applicant is a corporation, a copy of the Article of Incorporation as filed with the Corporation Commission;
  - 2. If the applicant is a limited liability company, a copy of the Articles of Organization filed with the Corporation Commission;
  - 3. If the applicant is a limited partnership, a copy of the Certificate of Limited Partnership filed with the Secretary of State;
  - 4. If the applicant is a general partnership, a copy of the written partnership agreement, if any.
- g. The Airport Director may require the applicant to provide additional information as necessary to ensure compliance with these Minimum Standards.

***Processing/Approval.***

The Airport Director shall be responsible for processing and approving or disapproving an application for a lease, license, permit or agreement to conduct Commercial Aeronautical Services at the Airport.

***Grounds for Disapproval of an Application.***

Grounds for disapproval of an application may include, without limitation, the following:

- a. The applicant does not, for any reason, fully meet the qualifications, standards, and requirements established in the Minimum Standards.
- b. The applicant's proposed operation or construction would create a safety hazard on the Airport.
- c. The granting of the application will require the City to expend funds, or supply labor or materials, in connection with the proposed activity or operation that the City is unwilling to spend or supply, or the proposed activity or operation will result in a financial loss to the City.
- d. No appropriate, adequate, or available land, space, or building exists at the Airport to accommodate the entire operation of the applicant at the time of application, and none is contemplated to be available within a reasonable time thereafter.
- e. The proposed operation, development, or construction does not comply with the Airport Master Plan or Airport Layout Plan.
- f. The proposed operation, development, or construction will result in congestion of aircraft or buildings, or will result in undue interference with the operations of any present Operator at the Airport, or inhibit adequate access to a present Operator's leased premises.
- g. The applicant has misrepresented or omitted any material fact in the application or supporting documents, or has failed to make full disclosure in the application or supporting documents.
- h. The applicant, or any officer, director, key employee, or person having a controlling interest in the applicant, has a record of:
  1. Violating the laws, rules and regulations applicable to the Airport or any other airport, including but not limited to, civil air regulations and FAA regulations.
  2. Or, having defaulted in the performance of a lease, license, permit, or similar agreement at the Airport or any other airport.
- i. The applicant, in the opinion of the Director, has not provided verified evidence of adequate financial responsibility or does not exhibit the experience to undertake the proposed operation or activity based on the information provided with the application.

- j. The applicant cannot provide the required performance and other bonds, security deposits, or other acceptable surety in the amount required by the Airport for the proposed operation, activity, or construction.

### ***Appeals.***

Appeals shall be made according to Chapter 18.44 of the Municipal Code.

### ***Section 3-4. Indemnification/Insurance***

#### ***Indemnification.***

Commercial Operators shall, to the extent permitted by law, investigate, defend, indemnify and hold harmless the City, its officers, agents and employees, from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, and expenses (including reasonable attorney's fees) and causes of action of whatsoever character which the City may incur, sustain, or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any persons (including but not limited to property, employees, subcontractors, agents, and invitees of each party hereto) arising out of or in any way connected with the Commercial Operator's use or possession of Airport property or conduct of Commercial Aeronautical Activities.

#### ***Required Insurance Coverage.***

A Commercial Operator shall carry and maintain at its sole cost and expense throughout the term of its lease, permit, or agreement with the City the required types of insurance policies that meets (or exceeds) the specifications contained in the lease, permit, agreement, or as otherwise amended by the City from time to time.

### ***Section 3-5. Fixed Place of Business***

With the exception of Flying Clubs and Independent Operators, all Entities desiring to conduct a Commercial Aeronautical Activity at the Airport must execute a Lease Agreement, License Agreement, or permit, approved by the City, and establish a Fixed Place of Business on the Airport which provides adequate space for the proposed operations. As appropriate, and in accordance with Article 4, the City will accept requests to combine space from individual Operators who conduct more than one Commercial Aeronautical Activity.

### ***Section 3-6. Conduct of Business Operations***

Commercial Operators shall conduct their authorized Commercial Aeronautical Activities in a safe and professional manner consistent with the degree of care and skill exercised by experienced providers of comparable products, services, and activities at similar airports in like markets. The Airport expects Commercial Operators to consistently strive to meet (or exceed) their customers' expectations by providing excellent service, in a positive and timely manner, and in full view of the public.

Commercial Operators shall ensure that adequate personnel to provide authorized Commercial Aeronautical Activities are in attendance on the Fixed Place of Business, if applicable, at all times during designated business hours.

### Section 3-7. Management Control and Supervision

Commercial Operators shall be responsible for ensuring that they have provided adequate management control and supervision for each service and operation provided on the Airport, during all times when such services are being offered. Managers shall also be available after normal business hours in the event of an emergency.

### Section 3-8. Airport Security

Each Commercial Operator and its employees, agents, and contractors, shall:

- a. Fully comply with the Airport's Security Program, as approved by the Transportation Security Administration (TSA), and agree to institute and carry out all security measures in the Security Program, as may be amended from time to time;
- b. Successfully complete the security training required by the City and TSA prior to gaining access to restricted areas of the Airport;
- c. Successfully complete a background check and security threat assessment as required by the City and/or TSA, and provide all necessary documentation to the Airport Director prior to allowing access of such personnel to restricted areas of the Airport;
- d. Fully comply with all appropriate Airport, TSA, and FAA regulations, including but not limited to 14 CFR Part 77 and Part 139, and 49 CFR Parts 1540 and 1542.
- e. Conduct positive escorts for individuals who do not possess an Airport issued badge allowing unescorted access.

If a Commercial Operator's Fixed Place of Business is located in a restricted area accessible only to those persons displaying a security identification badge issued by



Airport (including but not limited to the AOA and SIDA), each person working on the Fixed Place of Business must wear the badge at all times while on the Airport so that it is visible and at or above the waist level. The cost to obtain badge, including its replacement, will be paid for by the Commercial Operator.

Commercial Operators with a Fixed Place of Business shall control such premises so as to prevent unauthorized access to the AOA and/or SIDA.

Commercial Operators with a Fixed Placed of Business shall submit a construction security plan for all major construction activity occurring inside the AOA or otherwise affecting Airport security. The plan must be submitted in writing and approved by the Airport Director and TSA before beginning construction activity.

#### Section 3-9. Environmental Requirements

Commercial Operators shall strictly comply with all applicable environmental laws, rules, regulations, policies, and procedures adopted by the Airport, as well as those promulgated by federal, state, and municipal authorities, including the Airport's Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management Plan. In addition, each Commercial Operator shall comply with generally accepted environmental best management practices (BMP) and standards.

#### Section 3-10. Interference with Utilities, Radio, or Navigational Aids

Each Commercial Operator shall strictly ensure that it will not interfere with, interrupt, or disrupt any utilities, radio, or navigation aids that are located on or otherwise serve the Airport. Any and all activities or operations that may potentially interfere with, interrupt, or disrupt any utilities, radios, or navigation aids shall be approved by the Airport Director prior to such activities or operations being conducted by the Commercial Operator, its employees, agents, or contractors.

## **Article 4. Multiple Service Providers**

A Commercial Operator authorized to conduct more than one Commercial Aeronautical Activity is expected to satisfy the Minimum Standards applicable to each authorized Commercial Aeronautical Activity, except as set forth in this Article.

### **Section 4-1. Aircraft**

The Commercial Operator shall comply with the aircraft requirements, including the equipment thereof for each Commercial Aeronautical Service to be performed except that multiple uses can be made of all aircraft owned or under lease by the Commercial Operator, aside from aircraft used for crop dusting, aerial application, or other commercial use of chemicals.

### **Section 4-2. Facilities**

The Commercial Operator shall provide the facilities, equipment and services required to meet the Minimum Standards as herein provided for each Commercial Aeronautical Service the Operator is performing. However, only one office will be required of each Commercial Operator.

### **Section 4-3. Insurance**

A Commercial Operator shall carry and maintain at its sole cost and expense throughout the term of its lease, permit, or agreement with the City the required types of insurance policies that meets (or exceeds) the specifications contained in the lease, permit, or agreement.

### **Section 4-4. Personnel**

The Commercial Operator shall have in its employ, and on duty during designated business hours, trained personnel in such numbers as are required to meet the Minimum Standards for each aeronautical service the Commercial Operator is authorized to perform. Multiple responsibilities may be assigned to personnel in order to meet the personnel requirements for each Commercial Aeronautical Service being performed by the Commercial Operator.

## **Article 5. Fixed Base Operators (FBOs)**

A Fixed Base Operator (FBO) makes available, at minimum, retail Fuel and oil sales, aircraft maintenance and repair, aviation line services, and aircraft storage (as more fully described below). An FBO may also be authorized by the City to offer additional Commercial Aeronautical Services.

The FBO shall not subcontract retail Fuel and oil sales or aircraft storage.

An FBO must lease from the City sufficient Airport land area and/or facilities to support its fixed base operation, including but not limited to office space, general aviation terminal facilities, a fuel farm, aircraft storage hangars, tie-down facilities, paved apron and auto parking areas, as set forth herein.

### **Section 5-1. General Aviation Terminal Facilities**

An FBO must provide a General Aviation Terminal encompassing no less than 5,000 square feet, which includes:

- a. A flight planning area, separate from other public areas, with appropriate seating, work areas, communication facilities, directories and all items necessary for complete flight planning.
- b. A pilot lounge.
- c. A conference room.
- d. Restrooms.
- e. A customer waiting area for transition of passengers to ground transportation and vice versa.
- f. Designated office, counter, and/or other space from which to conduct business.

### **Section 5-2. Aircraft Airframe, Engine, and Accessory Maintenance and Repair Services**

An FBO shall provide space sufficient to house any aircraft upon which aircraft airframe, engine, or accessory maintenance and repair service is being performed, with paved apron area adjacent to the hangar, suitable for storage of aircraft awaiting services and associated offices and required storage areas, in accordance with the requirements of Section 7-2 of the Minimum Standards. The FBO may subcontract in order to provide the major aircraft maintenance and repair services and maintenance hangar space required of it, provided that such

subcontractor(s) are approved by the City and meet the requirements of these Minimum Standards.

### Section 5-3. Aircraft Storage

An FBO must also provide facilities for safe aircraft storage and towing, hangaring and/or tie-downs of based and transient aircraft, including, at minimum:

- a. Cumulative common hangar space totaling no less than 40,000 square feet for corporate or multiple general aviation aircraft. Restroom required.
- b. T-hangar and/or box hangar space totaling no less than 10,000 square feet, which shall accommodate both single and twin-engine piston aircraft.
- c. Tie-down space of 20,000 square feet or for no less than 20 tie-down and transient fixed-wing aircraft.
- d. Tie-down space of no less than 10,000 square feet for tie-down and transient helicopters.
- e. Operator shall also provide restroom(s) for use by its aircraft storage tenants. Restrooms must be located within a reasonable walking distance and in a number adequate to serve the needs of tie-down and hangar tenants. Location and number of restrooms shall be subject to approval by the Airport Director.

### Section 5-4. Fuel Facilities and Services

An FBO must provide facilities and equipment for the safe storage and delivery of Fuel, in quantities adequate to meet the demands of its customers, in accordance with all applicable local, state and federal standards and Article 6 of these Minimum Standards. In this regard, at minimum, an FBO must:

- a. Provide a fixed Fuel storage facility (fuel farm) with a capacity of no less than 40,000 gallons, installed by FBO in a location approved by the Airport Director.
- b. Provide a full range of approved retail Fuel services, including jet Fuel and avgas available 7 days a week, 24 hours a day, by trained and competent employees. The Fuel vendor's facility must be open for business during designated hours with on-call availability during non-business hours. FBO may also dispense automotive fuel as necessary for equipment associated with aviation line services.

- c. Provide a sufficient number of mobile dispensing trucks to accommodate the measurable demands of its customers.
- d. Provide an adequate inventory of generally accepted grades of aviation Fuel and engine oil.
- e. Provide transient aircraft with a parking area having access to the Airport runway/taxiway systems.
- f. Provide aircraft parking to transient aircraft, including the availability of minor aircraft maintenance and repair services, which the FBO arrange to be provided by other Commercial Operators.

Section 5-5. Specific Aviation Line Services

An FBO must provide adequate ground equipment, including ground power and starting equipment, fire extinguishers, oxygen carts, portable compressed air, disabled recovery equipment, aircraft towing equipment, and such other equipment, supplies, and spare parts as may be reasonably required to service all general aviation aircraft. An FBO may also provide catering, window cleaning, lavatory, and baggage handling services. The FBO may subcontract in order to provide the specific aviation line services required of it, provided that such subcontractor(s) are approved by the City and meet the requirements of these Minimum Standards.

## **Article 6. Fueling Operators**

Fueling Operators are engaged in the dispensing of Fuel, , lubricants and other products supporting the itinerant and based aircraft operations on the Airport, or in conducting Self-Fueling. Commercial Fuel sales are vitally important to supporting air carrier and general aviation operations at the Airport and considered essential to aircraft operation and the operation of the Airport.

### **Section 6-1. Applicability**

Except where specifically noted, the requirements set forth in this Article 6 are applicable to any Entity who sells or otherwise dispenses Fuel at the Airport, including Self-Fueling Operators.

No Entity may conduct Fueling Operations without first obtaining a written agreement or permit executed by the City that expressly authorizes the Entity to conduct Fueling Operations, which may be a Lease Agreement or other form of written agreement prescribed by the Airport Director.

### **Section 6-2. Compliance with Applicable Laws and Standards**

A Fueling Operator shall construct and maintain its facilities and shall conduct Fueling Operations in compliance with all applicable City, state, and federal laws and regulations, whether presently in effect or enacted hereafter. The Fueling Operator shall also obtain a permit from the Santa Barbara City Fire Department CFC 105.6 and comply with CFC Chapter 20, all current applicable standards of NFPA 407, "Standard for Aircraft Fuel Servicing" and Air Transport Association Specification 103, "Standard for Jet Fuel Quality Control at Airports," as each may from time to time be amended.

### **Section 6-3. Inspections**

- a. A Fueling Operator shall not begin Fueling Operations until the Airport Director has inspected the fueling facilities, fuel trucks, and equipment and has determined that they comply with the requirements of all applicable regulations.
- b. A Fueling Operator shall allow the Airport Director and/or appropriate state and City fire and safety officials to enter and inspect its premises at all reasonable hours to ensure compliance with the requirements of all applicable regulations.

### **Section 6-4. Training**

A Fueling Operator shall not conduct Fueling Operations, nor shall the Fueling Operator allow any other person to conduct such operations on its premises until

the Fueling Operator has submitted to the Airport Director evidence of the following training and safety procedures:

- a. At least one supervisor from the Fueling Operator must complete an aviation Fuel training course in fire safety which is acceptable to the Administrator of the FAA.
- b. All other employees who fuel aircraft, accept Fuel shipments, or otherwise handle Fuel shall receive at least on the job training in fire safety from the supervisor trained in accordance with subparagraph a of this section. This includes hands-on fire extinguisher training as required by the FAA.
- c. Each Fueling Operator shall provide certification once a year to the Airport Director that the training described in this section has been completed successfully.

**Section 6-5. Fueling Facilities, Equipment, and Operations**

- a. **All Fueling Operators.** The following requirements regarding fueling facilities and equipment are applicable to all Fueling Operators:
  1. For each type of Fuel dispensed, the Fueling Operator shall have separate, filter-equipped dispensing pumps and meters and monitoring equipment for leak detection.
  2. If Fueling Operator uses mobile dispensing trucks, the Fueling Operator shall have at least one tank on the truck or trucks for the exclusive storage of each type of Fuel available. Trucks shall be appropriately marked in accordance with applicable fire codes. Non-operational and out-of-service mobile Fuel dispensers shall be promptly removed from the Airport.
  3. The Fueling Operator shall obtain the written approval of the Airport Director prior to construction or installation of any improvement on the Fueling Operator's leased premises.
  4. The Fueling Operator shall maintain all fueling facilities in a safe and clean condition, equal in appearance and character to other similar Airport improvements.
  5. The Fueling Operator shall promptly repair any damage caused by the Fueling Operator or the Fueling Operator's employees, agents, patrons or guests.

6. Upon written notice, the Fueling Operator shall perform any reasonable facility maintenance the Airport Director determines is necessary. If the Fueling Operator fails to undertake such maintenance within ten (10) days of receipt of written notice, the Director may perform the maintenance and/or revoke or suspend the Fueling Operator's authorization to conduct Fueling Operations. If maintenance is performed by the City, the Fueling Operator shall reimburse the Airport, upon invoice from the City, for the cost of the maintenance performed.
7. No person may dispense Class I flammable liquid fuel directly into the supply tanks on motor vehicles or aircraft unless the dispensing site is inaccessible to the general public.
8. Fire Safety in Fuel Farm Storage Areas: Fueling Operators of premises where a bulk Fuel storage plant for flammable or combustible liquids is located shall:
  - (i) Prohibit the handling, drawing, or dispensing of flammable or combustible liquids within 100 feet of an ignition source.
  - (ii) Prohibit smoking within the AOA and within 100 feet of areas where flammable or combustible liquids are used.
- b. **Self-Service Fueling Operators.** The following additional requirements regarding fueling facilities and equipment are applicable solely to Self-Service Fueling Operators:
  1. Provide a fixed Fuel storage facility (fuel farm) with a capacity no greater than 10,000 gallons, installed by Self-Service Fueling Operator in a location approved by the Airport Director.
  2. The Self-Service Fueling Operator shall provide approved retail Fuel, available 7 days a week, 24 hours a day.
  3. The Self-Service Fueling Operator must provide transient aircraft with an ingress/egress area having access to the Airport runway/taxiway systems for the explicit purpose of refueling at the self-service fueling facility.
  4. The Self-Service Fueling Operator may provide generally accepted grades of engine oil and lubricants.



- c. **Self-Fueling Operators.** The following additional requirements regarding fueling facilities and equipment are applicable solely to Self-Fueling Operators:
1. A Self-Fueling Operator must provide a Fuel storage facility or equipment with a capacity no greater than 10,000 gallons, located or stored by Operator in a location approved by the Director. Self-Fueling Operators are prohibited from using trucks for dispensing of Fuel without prior written approval of the Director.
  2. A Self-Fueling Operator shall have adequate aircraft storage with service and parking area having access to the Airport runway/taxiway system to satisfy the number of aircraft owned by the Self-Fueling Operator or leased for the Self-Fueling Operator's exclusive use.
  3. A Self-Fueling Operator shall not dispense Fuel to another Airport user. Self-Fueling Operators are limited to dispensing Fuel into aircraft owned by the Self-Fueling Operator or leased for the Self-Fueling Operator's exclusive use.
  4. A Self-Fueling Operator may conduct fueling operations only on those premises leased to the Self-Fueling Operator by the City or other area designated by the Airport Director in writing.
  5. A Self-Fueling Operator may conduct Fueling Operations using only its own principals or employees (or, if the Self-Fueling Operator is an individual, that individual may conduct such self-fueling). Fueling Operations conducted by a contractor or other third party do not constitute Self-Fueling.
  6. A Self-Fueling Operator shall submit to the Airport Director a report of Fuel dispensed by aircraft registration number. An application for a Self-Fueling Operator shall include the registration numbers of all owned or exclusively leased aircraft to be fueled by the Self-Fueling Operator.
  7. A Self-Fueling Operator will be subject to Fuel flowage fees.

Section 6-6. Records and Monthly Reports

- a. Fueling Operators shall keep and maintain at their Fixed Place of Business full, complete and appropriate books, records and accounts relating to the Fueling Operations, including the delivery of

Fuel to the Airport, all Fuel dispensed, and the proper calculation of rent and fees due to the City hereunder.

- b. Fueling Operators shall maintain and keep all books, records and accounts relating, in City's reasonable judgment, to the Fueling Operator's compliance with the terms, provisions, covenants and conditions of its written agreements with the City in accordance with generally accepted accounting principles consistently applied. If, at any time during the term hereof, said books, records and accounts are deemed inadequate or incomplete in the reasonable judgment of the City, the Fueling Operator shall, upon the request of the City, revise, adjust, complete, procure and maintain such books, records and accounts so that thereafter they shall be of a character and form adequate for said purposes in City's reasonable judgment.
- c. Fueling Operators shall make available upon reasonable written notice from City, at all times during normal business hours, for inspection by City, its auditors or other authorized representatives all such books, records and accounts. Upon reasonable written notice, copies of all sales, other excise tax reports and Internal Revenue tax reports or any other reports that the Fueling Operator may be required to furnish any governmental agency shall at all reasonable times be open for inspection by City at the place that the books, records and accounts of the Fueling Operator are kept. Operator shall preserve all such business records for a period of five (5) years from the date of the preparation of such records and the submission of each annual statement.
- d. The Fueling Operator shall, each month, submit to the Airport Director a complete report of all Fuel delivered and dispensed, in a form approved by the City.

#### Section 6-7. Audits

A Fueling Operator shall allow its records of fueling operations to be audited at any time, either by a field accountant of the City's Finance Department or by an independent certified public accountant selected by the City.

#### Section 6-8. Assignment and Transfer Prohibited

A written agreement authorizing Fueling Operations is not assignable or transferable.

#### Section 6-9. Revocation or Suspension of Operations

The Airport Director may revoke or suspend any authorization to conduct Fueling Operations if it is determined that:

- a. The Fueling Operator has violated any provision of these regulations and has not made needed corrections in a timely manner as directed by the Airport Director;
- b. The Fueling Operator has given false or misleading information to the Airport Director during the application process;
- c. The Fueling Operator has intentionally or knowingly impeded a lawful inspection by the Airport Director or other person authorized to inspect the Fueling Operations of the Operator; or

The Airport Director shall send to the Fueling Operator by certified mail, return receipt requested, a written statement setting forth the reasons for the revocation or suspension.

In case of an emergency, the Airport Director may order a Fueling Operator to correct any violation immediately, discontinue use of the product or equipment, or to cease fueling operations, to the extent the Airport Director, at their sole discretion, determines it is necessary to abate the emergency until the violation is corrected. For purposes of this Section, an emergency shall be deemed to exist if the Airport Director determines that a violation or situation has occurred which constitutes an imminent and serious threat to the public health and safety, or to the environment.

#### Section 6-10. Fuel Spill Procedures

Fueling Operators shall make the following provisions to prevent or minimize the risk of fire hazard, property damage and/or environmental contamination due to the spillage of a hazardous liquid (jet fuel, avgas, oils, solvents, etc.) during aircraft servicing operations. Fuel operators shall follow the procedures set forth in CFC Section 2006.11, Fuel Spill Prevention and Procedures. The specific fire safety and hazardous spill cleanup procedures outlined in NFPA 407 shall also serve as a primary guideline for Fueling Operators in regard to Fuel spill disposition.

- a. In the event of a Fuel spill the Fueling Operator shall contact 911 to coordinate hazardous materials and firefighting assistance. The Airport Operations Center shall be notified immediately thereafter.
- b. Fuel spill cleanup is the responsibility of the Fueling Operator. Fueling Operators are required to develop a Fuel spill cleanup plan which minimizes the possibility of ignition of spilled flammable Fuel and which prevents the introduction of Fuels into the storm water, sewer systems, or ground soil. Fueling Operators are required to have a current and approved Fuel spill plan on file in the office of the

Airport Director, at all times. Equipment and material to support the Fuel spill plan must be available on-site at each fueling facility.

- c. Fueling Operators are required to train Fuel service employees with regard to the following:
  - 1. Proper procedure and fire hazards associated with Fuel spill cleanup. Training should include appropriate notification, Fuel spill containment environmental contamination, notification requirements, Airport ARFF response and standards of post spill cleanliness.
  - 2. Proper procedures for preventing Fuel from flowing into storm drains, sanitary sewer drains or into airfield grass/soil areas. Fuel service employees are requested to allow at least 50 feet of ramp separation, if possible, between fueling operations and storm drains to facilitate Fuel spill containment.
  - 3. The procedure concerning proper storage, length of storage and appropriate disposal of contaminated absorbent material.
- d. Fueling Operators are required to maintain all Fuel service equipment and vehicles in safe working condition.
- e. HAZMAT professionals and/or firefighters are required to standby at the scene of the spill in the interest of fire safety until the reasonable possibility of a fire emergency has been eliminated. In the event of a fire emergency, Fuel service employees shall respond to all instructions from emergency personnel regarding safety and/or controlling the emergency.
- f. Uncontrolled Fuel spill situations will be handled by the Santa Barbara County Fire Department Hazardous Materials Response Team. All costs incurred by the Fire Department, City, or other agencies will be charged to the Fueling Operator responsible for the spill.
- g. Whenever cleanup of a Fuel spill is contracted out to a commercial spill contractor, it is the responsibility of the Fueling Operator to ensure that appropriate Regional Water Quality Control and Environmental Protection Agency regulations concerning contaminated soil and/or ground-water cleanup standards have been met.

- h. Fueling Operators are required to report all Fuel spills in excess of 10 feet in any direction or covering an area of 50 square feet to the Fire Department.
- i. Fueling Operators are encouraged to organize mutual assistance agreements between other Fueling Operators located on the Airport in regard to providing spill cleanup assistance to handle large spills. Airport Department Maintenance personnel may be available to assist in controlling an uncontrolled or expanding spill.
- j. The Fire Department and Airport Operations are responsible for gathering all pertinent information concerning the origin and facts surrounding Fuel spills. Airport Operations is responsible for recording all spill incidents to monitor trends and Fuel service histories of all Fueling Operators. The Airport Director is responsible for maintaining the above information concerning spills at the Airport. Every Fuel spill shall be investigated by the Airport Department to determine the cause and required corrective measures.

## **Article 7. Specialized Aviation Service Operator**

A Specialized Aviation Service Operator (SASO) is a Commercial Operator other than an FBO that may be authorized to engage in one or more Commercial Aeronautical Activities described in this Article upon receipt of an appropriate permit from the City or entry into, and pursuant to the terms of, an written agreement or lease with the City. A SASO cannot subcontract for the performance of its authorized Commercial Aeronautical Activities. A Commercial Operator that desires to conduct Commercial Aeronautical Activities from the leased premises of another Commercial Operator must separately apply for and obtain written authorization from the City.

### **Section 7-1. Aircraft Storage**

An aircraft storage Operator engages in the rental of conventional hangars, T-hangars, or paved tie down areas.

#### **Minimum Standards**

a. **Inside Storage.**

1. The conventional hangar Operator shall have their facilities available for its tenants' aircraft removal and storage twenty-four hours per day, seven days a week, fifty-two weeks per year.
2. The Operator shall demonstrate that it can provide sufficient personnel trained to meet all requirements for the storage of aircraft with appropriate equipment.
3. The Operator may have an office in the storage building. If no office is maintained, the Operator shall post in conspicuous places on the hangar facilities the name, address and telephone number of the Operator and of the person who shall be managing or operating the hangar facilities.

b. **Outside Storage.**

The Operator must have a lease to conduct one or more additional Operator services listed in this section, and provide suitable space for paved tie-down area of sufficient size to accommodate all aircraft used by the Operator in its operations and all aircraft that will be parked or stored by the Operator.

c. **Private, Non-Commercial Hangars.**

An Entity may request a leasehold upon which to build and use private non-commercial hangars, which shall not be considered a Commercial Aeronautical Activity, provided that:

1. The hangars shall be used only for those purposes, which are specified for aircraft storage hangars in the Municipal Code.
2. All aircraft which are stored in private, non-commercial hangars shall be owned, leased to, or obtained via financing by the Entity or one of the following persons associated with the Entity, if the Entity is a non-natural person:
  - (a) A person who is a general partner of a partnership Entity.
  - (b) A person who is manager of a limited liability company Entity, or if there is no designated manager, a member of such Entity.
  - (c) The president of a corporate Entity.
  - (d) The chief executive officer of any other form of Entity.
3. The Entity shall not sublease any hangar or make any partial assignment of its leasehold interest. Any assignment of all of the tenant's leasehold interest shall be subject to the approval of the Airport Director.
4. The Entity shall carry and maintain at its sole cost and expense throughout the term of its lease, permit, or agreement with the City the required types of insurance policies that meets (or exceeds) the specifications contained in the lease, permit, or agreement.

*Section 7-2. Aircraft, Airframe, Engine and Accessory (GSE) Maintenance and Repair*

An aircraft, airframe, engine and accessory maintenance and repair Operator provides one or a combination of airframe, engine and accessory overhauls and repair services on aircraft. This category shall also include the sale of aircraft parts and accessories.

## Minimum Standards

- a. **FAA Certification.** An aircraft airframe, engine and accessory maintenance and repair Operator must operate as an FAA approved repair station (FAR Part 145) or as an FAA Licensed A&P or Inspection Authorization (FAR Part 65) and in accordance with all requirements for FAA certification.
- b. **Personnel.** The Operator shall have in his employ, and on duty during the designated business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category of services in an efficient manner, but never less than one person currently certificated by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating.
- c. **Other Requirements.** An Operator offering aircraft engine, airframe and accessory sales, maintenance and repair facilities to the public shall provide:
  - 1. In case of airframe and/or engine repairs, sufficient hangar space to house the type of aircraft upon which such service is being performed, except when emergency unscheduled maintenance is required.
  - 2. Suitable storage space for aircraft awaiting repair, maintenance, or delivery.
  - 3. Adequate enclosed shop space to house the equipment and adequate tools, jacks, lifts, and testing equipment to perform overhauls as required for FAA certification and repair of parts not needing replacement on common single engine and light multi-engine general aviation aircraft, and supporting technical documents.
  - 4. Sufficient FAA certified mechanics with inspection authority for the work to be performed, with established business hours and on-call availability.
  - 5. Ability to provide necessary equipment and personnel to promptly remove from the public landing area (as soon as permitted by FAA, NTSB, and other authorities) disabled aircraft.
  - 6. Adequate provisions for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with Federal, State and County regulations.



7. Any facilities utilized for washing and cleaning aircraft shall comply with the Santa Barbara Airport Stormwater Pollution Prevention Plan, as approved by the State of California Water Resources Control Board, and the terms of any other applicable laws, rules and regulations relating to storm water discharge.
8. A written plan for adhering to all safety and environmental requirements.

### Section 7-3. Avionics, Instrument, Propeller and/or Accessory Repair Station

An avionics, instrument, propeller, or accessory repair station Operator engages in the business of, and provides a facility for, the repair of aircraft avionics, propellers, instruments, and accessories for general aviation aircraft. This category may include the sale of new or used aircraft avionics, propellers, instruments, and accessories.

#### **Minimum Standards**

- a. **FAA Certification.** The Operator shall hold the appropriate repair shop certificates issued by FAA for the types of equipment the Operator plans to service and/or install.
- b. **Personnel.** The Operator shall have in its employ and on duty during the designated business hours trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category in an efficient manner but never less than one person who is an FAA rated radio, instrument, propeller or accessory repairman.
- b. **Other Requirements.** An Avionics, Instrument, Propeller, and/or Accessory Repair Operator offering services to the public shall:
  1. Provide adequate space to be used for shop, storage and test equipment.
  2. Have available during designated business hours an FAA (Part 145) appropriately certified technician in the field of aircraft electronics and/or aircraft instruments.
  3. Lease sufficient space or provide satisfactory arrangements for access to and storage of aircraft on which work is being performed.

### Section 7-4. Flight Training

A Flight Training Operator engages in instructing pilots in dual and solo flight instruction, in fixed and/or rotary wing aircraft, and provides such related Ground School instruction as is necessary to take a knowledge examination and flight check ride for the category or categories of pilots' certificates and ratings involved.

### **Minimum Standards**

- a. **Aircraft.** The Operator shall have available for use in Flight Training, either owned or under written Lease-Back to Operator, at least one properly certificated airworthy aircraft based at the Airport.
- b. **Personnel.** The Operator shall have on a full-time basis at least one flight instructor who has been properly certificated by the FAA to provide the type of training offered.
- c. **Other Requirements.** The Flight Training Operator conducting Flight Training activities shall provide:
  - 1. Training aircraft that:
    - (a) Have a minimum of two seats,
    - (b) Are maintained in accordance with Federal Aviation Regulations,
    - (c) Are kept in a clean and presentable manner, and
    - (d) Are available for training and rental.
  - 2. Adequate office and classroom space, separate from public areas.
  - 3. Adequate instructional aids necessary to provide proper Ground School instruction.
  - 4. Current certificates required by the FAA for Flight Training.
  - 5. Adequate facilities or arrangements for storing, parking, servicing, and repairing all its aircraft.
  - 6. Auto parking for customers and employees.

### **Section 7-5. Aircraft Lease and Rental**

An aircraft lease or rental Operator engages in the rental or lease of aircraft to the public.

## Minimum Standards

- a. **Aircraft.** The Operator shall have available for rental, either owned or under written Lease-Back to Operator, at least one certified and currently airworthy aircraft.
- b. **Other Requirements.** An Operator conducting aircraft rental activity shall provide:
  - 1. Suitable office space at the Airport for consummating rentals and keeping proper records in connection therewith.
  - 2. Airworthy aircraft suitably maintained and certificated.
  - 3. Adequate facilities for servicing the aircraft.
  - 4. Adequate arrangements for parking the aircraft being rented.
  - 5. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by City fire codes.
  - 6. Auto parking for customers and employees.

### Section 7-6. Aircraft Sales

**New Aircraft Sales.** An aircraft sales Operator engages in the sale of new aircraft through franchises or licensed dealership (if required by local, county or state authority) or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or used aircraft; and makes available such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.

**Used Aircraft Sales and Brokerage.** Many companies engage in the purchasing and selling of used aircraft. This is accomplished through various methods including matching potential purchasers with an aircraft, assisting a customer in the sale of an aircraft, or purchasing used aircraft and marketing them to potential purchasers. In many cases these Operators also makes available such repair, services, and parts as necessary to support the operation of aircraft sold. Some requirements may not be appropriate to the sale of used aircraft because of each aircraft's unique operational history.

**Personal Aircraft Sales.** Nothing contained herein shall prohibit any Entity from selling such Entity's own aircraft.

## Minimum Standards

- a. **Repair and Inventory.** The Operator shall make available necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator who is engaged in the business of selling new aircraft shall have available a representative example of the product.
- b. **Personnel.** The Operator shall have in his employ, and on duty during designated business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in an efficient manner. The Operator shall also maintain, during designated business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent and act for and on behalf of the Operator, and pilot in control for aircraft sold.
- c. **Other Requirements.** The Operator shall provide the office required by these regulations and standards and shall lease from the Airport or applicable FBO an area of sufficient size to permit the storage and/or display of all aircraft for sale or use in the aircraft sales business. All inventory must be insured with liability coverage acceptable to the City.

#### Section 7-7. Aircraft Charter and Air Taxi

An unscheduled air charter or air taxi Operator engages in the business of providing air transportation (persons or property) to the general public for hire, on an unscheduled basis, under Federal Aviation Regulations.

#### **Minimum Standards**

- a. **Aircraft.** The Operator shall provide, either owned or under written lease, the type, class, size and number of aircraft intended to be used by Operator, and which meet the requirements of the air taxi commercial operator certificate held by the Operator, including instrument operations.
- b. **Personnel.** The Operator shall have available during designated business hours trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category in an efficient manner but never less than one person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator.

- c. **Other Requirements.** The Operator conducting aircraft charter and/or air taxi service shall make available:
1. Passenger lounge, restrooms, and telephone facilities.
  2. Aircraft that meet exclusive use requirements as defined in FAA Regulations.
  3. At least one pilot available during on demand business hours, fully current under FAA Regulations and in compliance with all laws and procedures.
  4. Auto parking for customers and employees.

Section 7-8. Aircraft Management Services

An aircraft management services Operator means a person performing one of more of the following services in the management of another person's aircraft: pilot, staffing, records management, and other aircraft-related services detailed in any other sections contained herein. Aircraft management also encompasses the exercise of the privilege of FAR Part 91.501 on behalf of the owner (including fractional ownership such as Time Sharing Agreements, Interchange Agreements, and Joint Ownership Agreements) and brokerage of a qualified aircraft through an FAR Part 135 operator to the general public. Aircraft Management Services as defined in this section does not include the control of or operation of aircraft under FAR Part 135.

Part 91.501 Activities Include:

- a. Ferry or Training Flights.
- b. Aerial work operations including photography, surveys, or pipeline patrol, excluding firefighting.
- c. Demonstration flights for prospective customers at no charge other than those allowed in FAR Part 91.501(d).
- d. Carriage of company officials and guests, at no charge.
- e. Carriage of company officials under a time-share, interchange or joint ownership agreement.
- f. Carriage of property incidental to the business of the owner, when no charge is assessed other than those allowed in FAR Part 91.501(d).

- g. Carriage of an athletic team, sports group, choral group, or similar group with a common purpose when no charge is assessed.
- h. Carriage of persons in the furtherance of business other than transportation by air, at no charge.

The Aircraft Management Services operator will ensure that pilots are appropriately licensed and certified for the managed aircraft.

Section 7-9. Aircraft Detailer or Washer

An aircraft detailer or washer Operator is engaged in providing aircraft washing and/or detailing services.

**Minimum Standards**

- a. **Requirements.** An Operator conducting flight detailing or washing services shall provide:
  - 1. Aircraft detailers or washers must contain all water and associated discharge from washing activities. All such effluent shall be recycled or removed from the Airport, and meet all applicable City, County, State, and federal clean water regulations.
  - 2. If washing activity does not occur on an approved aircraft wash rack, all effluent shall be recycled or removed from the Airport in compliance with all applicable legal requirements.
  - 3. A written plan for adhering to all safety and environmental requirements must be presented to the Airport Director and services may only be performed within the area authorized.

## **Article 8. Independent Operators**

The City recognizes that Airport users may periodically require specialized assistance with the maintenance of their aircraft and/or Flight Training. When such assistance is not reasonably available on the Airport through an existing Commercial Operator with a Fixed Place of Business, because of the specialized nature of the maintenance and/or the Flight Training requirements or other factors, the City may allow an Airport user to solicit and utilize the services of a qualified Entity not presently based at the Airport (an "Independent Operator") to provide said services in accordance with the provisions of this Article.

### **Application Procedure**

An Airport user requiring the services of an Independent Operator must submit a request to the Airport Director on behalf of the potential Independent Operator in the form and manner prescribed by the Airport Director.

If the Airport Director determines that the requested services are not available at the Airport through an existing Commercial Operator with a Fixed Place of Business, the Airport Director will invite the potential Independent Operator to submit an application pursuant to Section 3-3 hereof. If the proposed Independent Operator satisfies all applicable Minimum Standards, the Airport Director shall issue a permit to the Independent Operator authorizing it to conduct specified Commercial Aeronautical Activities on such terms and conditions as the Airport Director may require.

The duration of a permit will typically be thirty (30) days but, in the Airport Director's discretion, may be issued for a duration of up to one (1) year based on demonstrated need and the likelihood that the service required of an Independent Operator will be provided by a Commercial Operator with a Fixed Place of Business at the Airport during the term of the permit.

An Independent Operator may provide one or more Commercial Aeronautical Services without establishing a Fixed Place of Business on the Airport *only* upon executing a written permit issued by the Airport Director. Such Commercial Aeronautical Services may include, but are not limited to Independent Flight Training Operators, Independent Aircraft Maintenance Operators, Independent Aircraft Detailers/Washers, and Independent Avionics or Instrument Maintenance Operators, and shall be specified in the permit.

### **Minimum Standards**

In addition to the General Requirements for Commercial Aeronautical Services set forth in Article 3 of these Minimum Standards (excluding Article 3.5), Independent Operators shall comply with the additional general and Activity-specific Minimum Standards set forth in this Article.

An Independent Operator shall obtain and comply with, at the sole cost and expense of such Independent Operator or its employee(s), all necessary licenses, permits, certifications, and/or ratings required for the provision of the Independent Operator's authorized Commercial Aeronautical Activities as required by the City, the Minimum Standards, the FAA, or any other duly authorized agency having jurisdiction, prior to engaging in a Commercial Aeronautical Activity at the Airport.

The Independent Operator shall provide copies of such licenses, permits, certifications, or ratings to the City upon application and annually, or within 14 calendar days of a written request by the Airport Director.

An Independent Operator shall provide the Airport Director and keep current, the names, addresses, and contacts of all personnel responsible for the operation and management of the Independent Operator.

Every Independent Operator shall provide a notice to each of its customers that identifies the insurance coverages provided by that Independent Operator. Insurance coverage shall conform with the insurance requirements set forth by the City. The Independent Operator shall provide a copy of such notice to the Airport Director.

The Independent Operator shall pay all fees or other charges established by the City for engaging in permitted Commercial Aeronautical Activity at the Airport. The City will enforce the payment of any fee or other charge due and owing to the City by any legal means available to the City under the terms of the agreement or permit.

In addition to the aforementioned Minimum Standards in this Article 8, which apply to all Independent Operators, the following Minimum Standards shall apply to specific types of Independent Operators as specified below:

*Section 8-1. Independent Flight Training Operator*

An Independent Flight Training Operator is an Entity providing Flight Training at (originating from) the Airport but which does not operate out of a Fixed Place of Business on the Airport and does not meet the Minimum Standards for a Flight Training Operator.

**Minimum Standards**

**a. Location.**

1. Prior to conducting Flight Training on or from Airport property under exclusive lease to any Entity, an Independent Flight Training Operator shall provide the Airport Director with



written evidence of permission from such Entity granting permission to operate on its leased premises.

2. Ground School may only occur in the premises of a Commercial Operator authorized by the Airport to provide Flight Training or outside of the AOA. The Independent Operator shall submit any agreement with a Commercial Operator for the use of its space to the Airport Director for approval.

b. **Other Requirements.**

1. Independent Flight Training Operators must log all flight and ground instruction activity with the date, duration, and name of student. This log must be provided to the Airport quarterly and/or upon request.

c. **Limitations.**

1. Independent Flight Training Operators are prohibited from advertising its services in any manner on Airport property, including but not limited to posting signs, distributing business cards, affixing an advertising decal to its vehicle, or otherwise advertising or marketing its services.
2. Independent Flight Training Operators are prohibited from providing Flight Training in their own aircraft, including aircraft leased to or rented by the Independent Flight Training Operator.

Section 8-2. Independent Aircraft Detailer or Washer

An Independent Aircraft Detailer or Washer Operator is engaged in providing aircraft washing and/or detailing services but does not operate out of a Fixed Place of Business on the Airport.

**Minimum Standards**

- a. **Location.** Aircraft detailing and washing shall be conducted only in designated areas (as specified in the permit) and in full compliance with all applicable legal requirements.
  1. Prior to conducting business on Airport property under exclusive lease to any Entity, an Independent Aircraft Detailer or Washer Operator shall provide the City with written evidence of permission from such Entity granting permission to operate on the Entity's leased premises.

- b. **Environmental Compliance.** In addition to its general obligation to comply with the Airport's Storm Water Pollution Prevention Plan (SWPPP) and Storm Water Management Plan, an Independent Aircraft Detailer or Washer Operator shall further prevent all petroleum products and/or hazardous liquids and materials from entering a storm drain, ground soil, or vegetated area by adhering to the following requirements:
1. Independent Aircraft Detailer or Washer Operator shall contain all water and associated discharge from washing activities, unless located on an approved aircraft wash rack.
  2. If washing activity does not occur on the approved aircraft wash rack, all such effluent shall be recycled or removed from the Airport in compliance with all applicable legal requirements.
  3. Adequate provisions shall be in place for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with Federal, State and County regulations. A written plan for adhering to all safety and environmental requirements must be presented to the Airport Director and services may only be performed within the area authorized in the permit.
- c. **Other Requirements.** Adequate provisions shall be in place for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with Federal, State and County regulations. A written plan for adhering to all safety and environmental requirements must be approved by the Airport Director and services may only be performed within the area authorized in the permit.

**Section 8-3. Independent Aircraft or GSE Maintenance Operator**

An Independent Maintenance Operator is an individual engaged in providing maintenance on the Airport for aircraft other than those owned, leased, and/or operated by (under the full and exclusive control of) the Operator or GSE, but does not operate out of a Fixed Place of Business on the Airport.

**Minimum Standards**

- a. **Location.** Independent Maintenance Operator shall only provide maintenance from the facilities of a Commercial Operator authorized to conduct aircraft maintenance or at other locations designated and approved in writing by the Airport Director. These locations (including

any improvements) shall meet applicable legal requirements for the type of maintenance being provided.

1. Prior to conducting business on Airport property under exclusive lease to any Entity, an Independent Maintenance Operator shall provide the Airport Director with written evidence of permission from such Entity granting permission to operate on the Entity's leased premises.

- b. **Other Requirements.** Adequate provisions shall be in place for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with Federal, State and County regulations. A written plan for adhering to all safety and environmental requirements must be approved by the Airport Director and services may only be performed within the area authorized in the permit.

#### Section 8-4. Independent Avionics or Instrument Maintenance Operator

An Independent Avionics or Instrument Maintenance Operator is an individual engaged in providing avionics or instrument maintenance and/or installation on aircraft but does not operate out of a Fixed Place of Business on the Airport.

#### **Minimum Standards**

- a. **Location.** Independent Avionics or Instrument Maintenance Operator shall only provide activities from the facilities of a Commercial Operator authorized to conduct aircraft, avionics, or instrument maintenance at the Airport, or other locations designated and approved in writing by the Airport Director. These locations (including any improvements) shall meet applicable legal requirements for the type of services being provided.
  1. Prior to conducting business on Airport property under exclusive lease to any Entity, an Independent Avionics or Instrument Maintenance Operator shall provide the Airport Director with written evidence of permission from such Entity granting permission to operate on the Entity's leased premises.
- b. **Other Requirements.** Adequate provisions shall be in place for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with federal, state, county, and City regulations. Services may only be performed within the area authorized in the permit.

## Article 9. Specialized Commercial Flying Services

A specialized commercial flying services Operator engages in air transportation for hire for the purpose of providing the use of aircraft for the activities listed below:

- Non-stop sightseeing flights that begin and end at the Airport
- Crop dusting, seeding, spraying, and bird chasing
- Banner towing and aerial advertising (Prohibited at SBA)
- Firefighting
- Any other operations not specifically addressed by FAA Regulations, and not otherwise addressed in this document

### Section 9-1. Specialized Flying Services

#### Minimum Standards

- a. **Permit, License or Lease.** The Operator shall obtain from the City, or an authorized Leaseholder, a permit, license or lease to conduct the operations of its specialized commercial flying service(s).
- b. **Facilities.** The Operator must procure facilities sufficient to accommodate all activities and operations proposed by the Operator. The minimum areas in each instance shall be subject to the approval of the Director. In the case of crop dusting or aerial application, the Operator shall make suitable arrangements and have such space available for safe loading, unloading, storage and containment of chemical materials.
- c. **Aircraft.** All Operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.
- d. **Personnel.** The Operator shall have in its employ, and make available during designated business hours, trained personnel in such numbers as may be required to meet the Minimum Standards herein set forth in an efficient manner.
- e. **Point of Contact.** The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.

## Article 10. Non-Commercial Activities

### Section 10-1. Flying Clubs

- a. **Definition.** A Flying Club is a nonprofit or not-for-profit entity (e.g., corporation, association, or partnership) organized for the express purpose of providing its members with aircraft for their personal use and enjoyment only.
- b. **General.** The ownership of the club aircraft must be vested in the name of the Flying Club or owned by all its members. The property rights of the members of the club shall be equal; no part of the net earnings of the club will inure to the benefit of any individual in any form, including salaries, bonuses, etc. The Flying Club may not derive greater revenue from the use of its aircraft than the amount needed for the operation, maintenance and replacement of its aircraft, including reasonable reserves.
- c. **Permit.** A Flying Club shall obtain from the City, at its own expense, and in accordance with Article 3, a permit to maintain a Flying Club at the Airport. The City will assess fees based upon the number of members and aircraft maintained by the Flying Club, and for associated membership roster changes.

The Flying Club, with its initial application, and annually thereafter, shall furnish the City a copy of its charter and by-laws, articles of association, partnership agreement or other documentation supporting its existence; a roster, or list of members, including names of officers and directors; list of Flying Club members authorized by the FAA and Flying Club to provide Flight Training in Flying Club Aircraft; evidence of insurance; number and type of aircraft; evidence that ownership of all Flying Club aircraft is vested in the name of the Flying Club or owned by all its members; and operating rules of the Flying Club. The books and all other associated records involving the Flying Club's operations shall be available for review at any reasonable time by the City and Airport Director.

- d. **Policies.**
  - 1. All Flying Clubs desiring to base their aircraft and operate at the Airport must comply with these Minimum Standards and applicable City, state, and federal law. Flying Clubs will not be subject to the Minimum Standards required of Commercial Operators, provided the Flying Club fulfills the conditions contained in this Article.

2. Flying Clubs may not offer or conduct air charter, air taxi, or aircraft rental operations. Flying Clubs may permit Flight Training in Flying Club aircraft only for bona fide members of the Flying Club, and only members of the Flying Club may operate the aircraft.
3. A Flying Club may permit its aircraft to be used for Flight Training in a club-owned aircraft as long as both the instructor providing instruction and person receiving instruction are members of the club owning the aircraft, or when the instruction is given by an authorized Commercial Operator and the person receiving the training is a member of the Flying Club. In either circumstance, a flight instructor may receive monetary compensation for instruction or may be compensated by credit against payment of dues or flight time; however, that individual may not receive both compensation and waived or discounted dues or flight time concurrently. A member flight instructor is not required to obtain an agreement or permit from the City to provide Flight Training to other members of the Flying Club.
4. A qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a Flying Club may perform maintenance work on aircraft owned by the club. The mechanic may receive monetary compensation for such maintenance work or may be compensated by credit against payment of dues or flight time; however, that individual may not receive both compensation and waived or discounted dues or flight time concurrently. For maintenance other than preventive maintenance, a Flying Club shall comply with Sections 7.2(a), 7.2(c)1, 7.2(c)3, and 7.2(c)6 of the Minimum Standards.
5. All Flying Clubs and their members are prohibited from leasing or selling any goods or services whatsoever to any Entity other than a member of such club at the Airport, except that said Flying Club may sell or exchange its capital equipment. A Flying Club is strictly prohibited from conducting any Commercial Aeronautical Activity on the Airport; its activities must be limited to the non-for-profit ownership and maintenance of club aircraft for recreation and enjoyment of members, and activities necessarily incident thereto.
6. A Flying Club at the Airport shall comply with all federal, state, and local laws, ordinances, regulations and the rules and regulations of the Airport.

7. Flying Clubs may not hold themselves out to the public as Fixed Base Operators or, Specialized Aviation Service Operators, including maintenance facilities, or flight schools, and are prohibited from advertising as such. An Entity desiring to perform and/or hold out to the public as performing any Commercial Aeronautical Service as defined herein shall be required to apply for and execute a permit, lease, or other written agreement with the City and otherwise comply with these Minimum Standards.
  8. Neither Flying Clubs, nor their members, may indicate in any form of marketing and/or communications that they are a flight school, and Flying Clubs and their members must not indicate in any form of marketing and/or communications that they are a business where people can learn to fly.
  9. Flying Clubs shall carry and maintain at its sole cost and expense throughout the term of its lease, permit, or agreement with the City the required types of insurance policies that meets (or exceeds) the specifications contained in the lease, permit, or agreement.
  10. The Flying Club must log and keep records of all Flight Training provided in a Flying Club aircraft, whether by a Commercial Operator or member flight instructor, and make such records available to the Airport Director quarterly or upon request.
- e. **Violations.** A Flying Club that violates the requirements for a Flying Club – or that permits one or more members to do so – may be required to terminate all operations as a Flying Club at the Airport. In the event the Flying Club fails to comply with these conditions, the City will notify the Flying Club in writing of such violations. The Flying Club shall have fourteen days to correct such violations. If the Flying Club fails to correct the violations, the City may demand the Flying Club's removal from the Airport.